

## PLANNING BOARD MEETING MINUTES

Wednesday, March 19, 2014

7:30 PM

Planning Board Members: Larry Choate, Richard Benner, Robert Pratt, William Leppanen, Dale Martin

Code Enforcement Officer: Scott Bickford

Present: Susan Choate, Jill Delany, Claire Dean Perry, Sullivan & Faith Reed, Jennifer O'Hara, FJ O'Hara, David Jenny, Antranig & Kathryn DerMarderosian, Doug Johnson, Paul Gibbons

Richard Benner made a motion to accept the minutes for February 12, 2014, Larry Choate seconded it. All in Favor.

Richard Benner asked that the agenda get switched. Osprey Realty Trust c/o Doug Johnson requesting a permit for a 6 x70' pier at 5 Castlewood Lane (Map 7, Lot 202).

Robert Pratt (planning board member) recued himself from the meeting. He has been helping The Johnson's with the Pier project.

Robert Pratt is representing the Johnson's. Robert Pratt said the Army Core of Engineers and DEP has approved this pier project. Doug Johnson passed around pictures of the proposed wharf he plans to build.

Richard Benner made a motion to accept DEP/Army Core of Engineers plan for the Johnson Pier. Larry Choate seconded. All in Favor.

Doug & Lea Johnson - 5 Castlewood Lane - Map 7, Lot 202 for final approval.

Paul Gibbons represented Doug Johnson at the meeting. Paul Gibbons wanted to know why the plan hadn't been accepted at the last meeting. He provided the board with the transcript from the January, 2014 meeting. He quoted William Dale (Town Attorney) about the 15 feet.

Mr. Benner (Chair) said that what ever he said during the meeting had never been recorded. I told Mr. Doug Johnson I did not want a big jag on the plan. You have made the house bigger then it should be. The board has bent over to allow you to have a setback and have asked you cut down the size of the house.

William Lepannen made a motion to accept the last set of plans (see attached sheet). Dale Martin seconded it. All in Favor. Paul Gibbons, Esq. initialed the plans to approve the changes on the drawing.

William Dale, Esq. sent a Fact of Findings sheet to sign. The board voted on each item.

A. Findings of Fact

1. The applicants are Doug and Leah Johnson, represented by Attorney Paul Gibbons. The applicants seek Planning Board approval to replace/expand a single family house on a lot at 5 Castlewood Lane in Owl's Head, shown as Lot 202 on Tax Map 7. The applicants own the lot and the existing building on it. The building is the unstable remnant of the deckhouse of a WW II ship that was run aground in the area.

1. FACT

2. The property is in the Shoreland Zoning District as well as the Rural Residential Zoning District. After numerous Planning Board presentations and revised plans, the Board and the applicants finally agreed to allow the replacement structure to be built as shown on the attached plan, revised to date, Gartley & Dorsky, copy attached and incorporated herein.

2. FACT

3. Based on the attached letter from the Maine Geologic Survey, dated December 13, 2013, copy attached, the State has determined that the coastal edge of the lot is not an "unstable bluff" as otherwise depicted on the State's MGS Coastal Bluff Map. The Planning Board accepts that determination.

3. FACT

4. Under Section 12 of the Town's Shoreland Zoning Ordinance, this is a nonconforming structure and it may be re-located, further away from the ocean, but not into the wetland to the rear, to the greatest extent practical in the opinion of the Planning Board. After many lengthy, public discussions between the Planning Board and the applicants and their consultants, the Planning Board believes the "compromise" location of the proposed new building--15' back from its original proposed location, as shown on the attached, revised Gartley & Dorsky plan--best meets the applicable SZO standard, *i.e.*, the proper balancing of the competing environmental interests.

4. FACT

Richard Benner made a motion to accept the Finding of Facts submitted by William Dale, Esq. Larry Choate seconded it. All in Favor.

9:15 PM Meeting adjourned